IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 4450 of 2005

Between:

1 Konuru Gram Panchayat, Atchampeta Mandal, Guntur District,

rep., by its Sarpanch V.Saritha, w/o Venkateswara Rao, aged 26

years, r/o Konuru Village Atchampeta Mandal, Guntur District.
2 Kastala Gram Panchayat, Atchampeta Mandal, Guntur District, rep.,

by its Sarpanch K.Pullaiah, s/o Prasada Rao, aged 32 years, r/o

Kastala, Atchampeta Mandal, Guntur District.
3 Atchampeta Gram Panchayat, Atchampeta Mandal, Guntur District,

represented by its Sarpanch, G.Nageswara Rao, s/o Satyanarayana,

aged 58 years, r/o Atchampeta, Atchampeta Mandal, Guntur District.

..... PETITIONERS

AND

1 Government of Andhra Pradesh, rep., by its Secretary, Panchayat Raj

and Rural Development, A.P.Secretariat, Hyderabad.
2 The District Level Sand Committee, Guntur District, rep., by its

Member Secretary and The District Panchayat Officer, Guntur.
3 The Zilla Parishad, Guntur, rep., by its Chief Executive Officer,

Guntur.

4 A,badipudi Gram Panchayat, Atchampet Mandal, Guntur District,

rep., by its Sarpanch M.Naveen, s/o Nageswara Rao, aged 30 years,

Ambadipudi Village, Atchampeta Mandal, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ, more particularly, one in the nature of writ of mandamus, declaring the action of the respondents 2 and 3 in distributing a share of the 37.5% of the auction proceeds of the sand quarrying lease of Reach No.15 of River Krishna in Atchampeta Mandal in Guntur District to the 4th respondent for being illegal, arbitrary, based on extraneous considerations, against G.O.Ms.No.356, Industries and Commerce (Mines I) Department dated 22-11-1999, contrary to the provisions of the A.P.Gram Panchayat Act, 1994 and unconstitutional and consequently direct the respondents 1 to 3 to recover the amounts paid to the 4th respondent and pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.SRINIVASA RAO BODDULURI

Counsel for the Respondents 1 to 3:GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for Respondent No.4 : Mr. Srinivas Dommulapati

The Court at the stage of admission made the following ORDER:

The petitioners are the three Gram Panchayats of Atchampeta Mandal, Guntur district. Sand quarry lease was granted in respect of a Reach of Krishna river, which passes through the said Gram Panchayats. In accordance with the provisions of law, relating to the distribution of the lease amount among the various local bodies, the District Panchayat Officer, on behalf of the District Level Sand Committee, the second respondent herein, issued proceedings, dated 04.05.2004, allocating the lease amount of Rs.50,34,083/- among the Zilla Parishad, Guntur (25%), Mandal Parishad, Atchampet (50%). Out of the balance of 25%, the second petitioner was allotted 34% amounting to Rs.4,27,897/- and petitioners 1 and 3 at 33% amounting to Rs.4,15,312/- each. The grievance of the petitioners is that the second respondent made an allotment of Rs.1,56,000/- in favour of the fourth respondent, another Gram Panchayat, through his proceedings, dated 04.02.2005. They state that the fourth respondent is not entitled to any share in the lease amount and the proceedings dated 04.02.2005 are politically motivated.

Heard the learned counsel for the petitioners, learned Government Pleader for Panchayat Raj and the learned counsel for the fourth respondent, who filed the caveat.

The second respondent, which granted lease for sand quarry for Reach No.15 of Atchampet Mandal, distributed the lease amount, through its proceedings dated 04.05.2004. It has become final. From the record placed before this Court, it is not clear as to whether the amounts have been passed on to the respective local authorities. The fact remains that the said proceedings have not been challenged nor were modified through any separate proceedings. If the fourth respondent is allotted a sum of Rs.1,56,000/-, the petitioners cannot have any genuine grievance, as long as their entitlement is not affected. The proceedings, dated 04.02.2005, do not indicate that the amount allotted in favour of the fourth respondent is carved out of the amounts, which were already allotted in favour of the petitioners. In that view of the matter, the petitioners cannot be said to have suffered any grievance.

Therefore, the writ petition is disposed of directing that the proceedings, dated 04.02.2005, shall not result in any reduction of the allotment of the funds in

favour of the petitioners Gram Panchayats through proceedings dated 04.05.2004 of the second respondent. In case, the second respondent intends to revise the allotments, it shall be open to it only after issuing notices to the petitioners. There shall be no order as to costs.

09.03.2005

ksld

To

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and Rural Development, A.P.Secretariat, Hyderabad.
2 The District Level Sand Committee, Guntur District, rep., by its

Member Secretary and The District Panchayat Officer, Guntur.
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rep., by its Sarpanch M.Naveen, s/o Nageswara Rao, aged 30 years,

Ambadipudi Village, Atchampeta Mandal, Guntur District.

5 Two CCs. to the G.P. for Panchayat Raj, High Court of A.P.,

Hyderabad (OUT)

6 2 CD copies

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